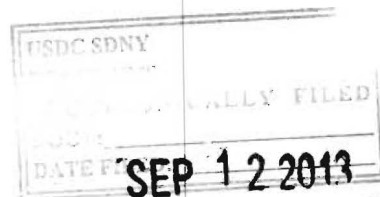




THE CITY OF NEW YORK  
LAW DEPARTMENT

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September 4, 2013

**Via Fax**

The Honorable J. Paul Oetken  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007  
Fax: (212) 805-7991

Re: Jushua Prevost v. City of New York, et al., 13-CV-3760

Your Honor:


I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, assigned to the defense in this matter. Defendants respectfully request that the Court dismiss Plaintiff's claims pursuant to Rule 37 of the Federal Rules of Civil Procedure for Plaintiff's failure to prosecute and for his failure to comply with this Court's Order dated July 22, 2013.

By letter to the Court dated July 12, 2013, pursuant to the Plan for Certain § 1983 Cases against the City of New York (the "§ 1983 Plan"), defendants requested that the Court direct plaintiff to show good cause for his failure to provide defendants with the executed § 160.50 Release required by the § 1983 Plan. On July 22, 2013, Your Honor ordered that plaintiff show good cause in writing or provide the City of New York with the signed § 160.50 release by September 2, 2013. To date, plaintiff has not responded to Your Honor's Order nor has he provided the City with an executed § 160.50 release.

Accordingly, defendants respectfully submit that plaintiff has not complied with Your Honor's Order dated July 22, 2013, and that this case should be dismissed.

Thank you for your consideration herein.

Respectfully submitted,



Vicki B. Zgodny

*Assistant Corporation Counsel*

Special Federal Litigation Division

cc: Via Fax

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